



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Needleman et al.

Serial No.: 08/934,367

Filed: September 19, 1997

Entitled: AN IMMUNOLOGICAL PROCESS AND  
CONSTRUCTS FOR INCREASING THE  
HDL CHOLESTEROL CONCENTRATION  
BY DNA VACCINATION

Attorney Docket No.: AVA-432.1 US

Examiner: M. Davis

Art Unit: 1642

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KD  
6-823

Commissioner for Patents  
Box RCE  
Washington, D.C. 20231

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**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. §§1.56, 1.97, & 1.98  
FILED WITH A REQUEST FOR CONTINUED EXAMINATION (RCE)**

Dear Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicants submit this Information Disclosure Statement pursuant to 37 C.F.R. §§1.56, 1.97, and 1.98 in the above-identified application, along with a Request for Continued Examination. A Request for Continued Examination (RCE) pursuant to 37 C.F.R. §1.114 is filed concurrently herewith.

A listing of the cited documents is also enclosed, as well as, for the Examiner's convenience, copies of the documents on the list. Pursuant to 37 C.F.R. § 1.97(b)(4), this Statement is being filed before the mailing of a first Office Action after the filing of a Request for Continued Examination under 37 C.F.R. §1.114 and, as such, no fee is required.

The U.S. patent documents enclosed herein are submitted for consideration of their relevancy under 35 U.S.C. §102(e) to the patentability of the above-referenced application.

Please consider and make the following publications of record:

US Patents

Rittershaus, U.S. Patent 6,410,022, issued June 25, 2002 on Appln. Ser. No. 08/432,483, filed May 1, 1995;

Thomas, U.S. Patent 6,284,533, issued September 4, 2001 on Appln. Ser. No. 09/171,969, filed October 2, 1998, claiming the benefit of Appln. Ser. No. 08/802,967 filed February 21, 1997 and Ser. No. 60/052,983, filed May 1, 1996

Other Publications

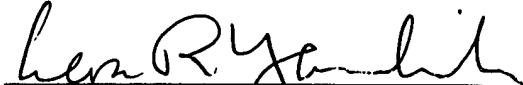
Leff, David N., "Anti-Atherosclerosis Vaccine Aims To Turn Autoimmunity From Pathogenic To Preventive," BioWorld Today, vol. 6, no. 95, page 1 (May 17, 1995).

Applicants do not intend to represent that any of the documents submitted herein is material prior art to this invention or that the list represents an exhaustive search of documents related to this invention.

The Commissioner is hereby authorized to charge any fees associated with the enclosed documents or credit any overpayments to Deposit Account No. 50-0268.

Applicants respectfully request that the documents submitted herein be considered and made of record in this application.

Respectfully submitted,

  
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CERTIFICATE OF MAILING BY "EXPRESS MAIL"

The undersigned hereby certifies that this correspondence listed above is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR §1.10, postage prepaid, Express Mailing Label No. EV 191278721 US, in an envelope addressed to the Commissioner for Patents, Box RCE, Washington, D.C. 20231 on the date indicated below.

4/21/03  
date

  
Leon R. Yankwich

Modified FORM PTO-1449		ATTY. DOCKET NO. AVA-432.1 US	SERIAL NO. 08/934,367
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT  <i>RECEIVED APR 21 2003</i>		APPLICANT P. Needleman	
(Use several sheets if necessary)		FILING DATE September 19, 1997	GROUP 1642

## REFERENCE DESIGNATION

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
AA		US 6,284,533	9/4/01	L. Thomas			10/2/1998
AB		US 6,410,022	6/25/02	C. Rittershaus			5/1/1995
AC							
AD							
AE							

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	TRANSLATION YES	NO
AF								
AG								
AH								
AI								
AJ								

## OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

AK	Leff, David N., "Anti-Atherosclerosis Vaccine Aims To Turn Autoimmunity From Pathogenic To Preventive," <u>BioWorld Today</u> , vol. 6, no. 95, page 1 (May 17, 1995).		
AL			
AM			
AN			
AO			
EXAMINER	DATE CONSIDERED		

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP §609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

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